DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with atty. Holby Abern on 06-30-2009. These amendments were e-mailed by the applicants in response to the phone interview of 06-25-2009, the interview summary of which was mailed out in a separate office action. We had discussed the possibility of amending the claims to clarify the modifiers to get away from dice game, and clarifying the mathematical relationship between the modifiers. **The non-elected claims 15 to 19, 32 to 46, and 51 to 56, previously withdrawn, are hereby cancelled.**

The application has been amended as follows:

Claim 1 (currently amended): A gaming device comprising:

at least one display device;

at least one input device;

at least one processor; and

at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate

with the at least one display device and the at least one input device, for each play of a game, to:

(a) select one of a plurality of component symbols;

(b) designate one of a plurality of prediction symbols;

(c) display said designated prediction symbol to a player;

(d) change a ~~first~~ prediction symbol modifier ~~based on~~ as a result of said displayed prediction symbol;

(e) change a ~~second,~~ separate match symbol modifier if said prediction symbol matches said selected component symbol;

(f) if said prediction symbol does not match said selected component symbol:

(i) form at least two symbol sets based on said prediction symbol, wherein one of said symbols sets includes the selected component symbol;

(ii) enable the player to input a prediction of which formed symbol set includes the selected component symbol;

(iii) display the selected component symbol to the player; and

(iv) change a ~~third,~~ separate correct symbol set prediction modifier if the player correctly picked which symbol set includes the selected component symbol;

(g) repeat steps (a) to (f) until each of said plurality of component symbols is displayed, wherein for each of the plurality of changes of said ~~first~~ prediction symbol modifier, said ~~first~~ prediction symbol modifier is changed regardless of whether

said prediction symbol matches said selected component symbol and regardless of whether the player correctly picked which symbol set includes the selected component symbol; and

(h) cause an award to be provided to the player, said award based on a mathematical operation applied to said ~~first~~ prediction symbol modifier, said ~~second~~ match symbol modifier and said ~~third~~ correct symbol set prediction modifier.

Claim 5 (currently amended): The gaming device of Claim 1, wherein said ~~first~~ prediction symbol modifier is increased based on said displayed prediction symbol.

Claim 6 (currently amended): The gaming device of Claim 1, wherein said ~~second~~ match symbol modifier is increased if said prediction symbol matches said selected component symbol.

Claim 7 (currently amended): The gaming device of Claim 1, wherein said ~~third~~ correct symbol set prediction modifier is increased if the player correctly picks which symbol set includes the selected component symbol.

Claim 8 (currently amended): A gaming device comprising:

an input device; and

a display device configured to display a primary wagering game operable upon a wager by a player~~;~~

~~a plurality of component symbols;~~

~~a plurality of prediction symbols; and~~

~~a triggering event associated with said primary wagering game~~, wherein after each occurrence of ~~said~~ a triggering event associated with said primary wagering game:

(a) one of ~~said~~ a plurality of component symbols is selected;

(b) one of ~~said~~ a plurality of prediction symbols is designated;

(c) said display device is caused to display said designated prediction symbol ~~is displayed~~ to the player;

(d) a ~~first~~ prediction symbol modifier is changed based on said displayed prediction symbol;

(e) a ~~second,~~ separate match symbol modifier is changed if said prediction symbol matches said selected component symbol;

(f) if said prediction symbol does not match said selected component symbol:

(i) at least two symbol sets are formed based on said prediction symbol, wherein one of said symbols sets includes the selected component symbol;

(ii) the player is enabled to input a prediction of which formed symbol set includes the selected component symbol;

(iii) said display device is caused to display the selected component symbol ~~is displayed~~ to the player; and

(iv) a ~~third,~~ separate correct symbol set prediction modifier is changed if the player correctly picked the symbol set which includes the selected component symbol;

(g) steps (a) to (f) are repeated until said display device is caused to display each of said plurality of component symbols ~~is displayed~~, wherein for each ~~change~~ of the plurality of changes of said ~~first~~ prediction symbol modifier, said ~~first~~ prediction symbol modifier is changed regardless of whether said prediction symbol matches said selected component symbol and regardless of whether the player correctly picked which symbol set includes the selected component symbol; and

(h) an award based on a mathematical operation applied to said ~~first~~ prediction symbol modifier, said ~~second~~ match symbol modifier and said ~~third~~ correct symbol set prediction modifier is provided to the player.

Claim 12 (currently amended): The gaming device of Claim 8, wherein said ~~first~~ prediction symbol modifier is increased based on said displayed prediction symbol.

Claim 13 (currently amended): The gaming device of Claim 8, wherein said ~~second~~ match symbol modifier is increased if said prediction symbol matches said selected component symbol.

Claim 14 (currently amended): The gaming device of Claim 8, wherein said ~~third~~ correct symbol set prediction modifier is increased if the player correctly picks which symbol set includes the selected component symbol.

Claim 15 (currently cancelled)

Claim 16 (currently cancelled)

Claim 17 (currently cancelled)

Claim 18 (currently cancelled)

Claim 19 (currently cancelled)

Claim 20 (currently amended): A gaming device comprising:

at least one display device;

at least one input device;

at least one processor; and

at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device, for each play of a game, to randomly select a plurality of component symbols from a plurality of symbols, and for each selected component symbol to:

(a) designate one of said plurality of symbols as a prediction symbol;

(b) display said designated prediction symbol to a player;

(c) cause an award to be provided to the player if said prediction symbol matches said selected component symbol, said award based on a mathematical operation applied to said selected component symbol and one of a plurality of different match symbol modifiers ~~if said prediction symbol matches said selected component symbol~~, wherein each time said prediction symbol matches said selected component symbol the award is based on a different one of said match symbol modifiers; and

(d) if said prediction symbol does not match said selected component symbol:

(i) form at least two symbol sets based on said prediction symbol, wherein one of said symbol sets includes the selected component symbol and each of said symbol sets include zero, one or a plurality of said symbols;

(ii) display the symbols from the symbol set including the selected component symbol;

(iii) enable the player to try to pick the selected component symbol by picking one of the displayed symbols;

(iv) display the selected component symbol to the player; and

(v) cause ~~said~~ an award to be provided to the player if the player correctly picked the selected component symbol, said award based on a mathematical operation applied to said selected component symbol and one of a plurality of different correct symbol prediction modifiers, wherein each time the player correctly picks the selected component symbol, the award is based on a different one of said correct symbol prediction modifiers.

Claim 25 (currently amended): A gaming device comprising:

an input device; and

a display device configured to display a primary game operable upon a wager by a player~~;~~

~~a plurality of symbols;~~

~~a plurality of component symbols, wherein each component symbol is one of said plurality of symbols;~~

~~a plurality of symbol sets, wherein each symbol set includes zero, one, or a plurality of said symbols;~~

~~a plurality of different modifiers;~~

~~a triggering event associated with said primary game~~, wherein after each occurrence of ~~said~~ a triggering event associated with said primary wagering game, at least one of ~~said~~ a plurality of component symbols is randomly selected from a plurality of symbols, and for each selected component symbol:

(a) one of said plurality of symbols is designated as a prediction symbol;

(b) said display device is caused to display said designated prediction symbol ~~is displayed~~ to the player;

(c) an award is provided to the player if said prediction symbol matches said selected component symbol, said award is based on a mathematical operation applied to said selected component symbol and one of ~~the~~ a plurality of different match symbol modifiers ~~is provided to the player if said prediction symbol matches said selected component symbol~~, wherein each time said prediction symbol matches said selected component symbol, the award is based on a different one of said match symbol modifiers; and

(d) if said prediction symbol does not match said selected component symbol:

(i) at least two of ~~said~~ a plurality of symbol sets are formed based on said prediction symbol, wherein one of said symbols sets includes the selected

component symbol and each of said plurality of symbol sets includes zero, one or a plurality of said symbols;

(ii) said display device is caused to display the symbols from the symbol set including the selected component symbol ~~are displayed~~;

(iii) the player is enabled to try to pick the selected component symbol by picking one of the displayed symbols;

(iv) said display device is caused to display the selected component symbol ~~is displayed~~ to the player; and

(v) ~~said~~ an award is provided to the player if the player correctly picked the selected component symbol, said award is based on a mathematical operation applied to said selected component symbol and one of a plurality of different correct symbol prediction modifiers, wherein each time the player correctly picks the selected component symbol, the award is based on a different one of said correct symbol prediction modifiers.

Claim 26 (currently amended): The gaming device of Claim ~~24~~ 25, wherein at least one of said prediction symbols matches said selected component symbol.

Claim 27 (currently amended): A gaming device comprising:

at least one display device;

at least one input device;

at least one processor; and

at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device, for each play of a game, to:

(a) determine a target number, said target number formed from a plurality of component numbers, wherein each component number is one of a plurality of numbers from a range of numbers; and

(b) randomly select at least one of said component numbers of said determined target number and for each selected component number to:

(i) designate one of said plurality of numbers as a prediction number,

(ii) display said designated prediction number to a player,

(iii) cause an award to be provided to the player if said prediction number matches said selected component number, said award based on a mathematical operation applied to said selected component number and one of a plurality of different match number modifiers ~~if said prediction number matches said selected component number~~, wherein a greater one of said match number modifiers is used for each provided award, and

(iv) if said prediction number does not match said selected component number:

(A) form one of a plurality of number sets based on said prediction number, wherein said number set includes zero, one or a plurality of said numbers and said number set includes the selected component number,

(B) enable the player to pick one of the numbers from the formed number set including the selected component number,

(C) display the selected component number, and

(D) cause ~~said~~ an award to be provided to the player if the player correctly picks the selected component number, said award based on a mathematical operation applied to said selected component number and one of a plurality of different correct number prediction modifiers, wherein each time the player correctly picks the selected component number, the award is based on a different one of said correct number prediction modifiers.

Claim 28 (currently amended): A gaming device comprising:

at least one display device;

at least one input device;

at least one processor; and

at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device, for each play of a game, to:

(a) select one of a plurality of component numbers;

(b) designate one of a plurality of prediction numbers;

(c) display said designated prediction number to a player;

(d) change a ~~first~~ prediction number modifier based on said displayed prediction number;

(e) change a ~~second,~~ separate match number modifier if said prediction number matches said selected component number;

(f) if said prediction number does not match said selected component number:

(i) form at least two number sets based on said prediction number, wherein one of said sets includes the selected component number;

(ii) enable the player to input a prediction of which formed number set includes the selected component number;

(iii) display the selected component number to the player; and

(iv) change a ~~third,~~ separate correct number set prediction modifier if the player correctly picked which number set includes the selected component number;

(g) repeat steps (a) to (f) until each of said plurality of component numbers is displayed, wherein for each of said plurality of changes of said ~~first~~ prediction number modifier, said ~~first~~ prediction number modifier is changed regardless of whether said prediction number matches said selected component number and regardless of whether the player correctly picked which number set includes the selected component number; and

(h) cause an award to be provided to the player, said award based on a mathematical operation applied to said ~~first~~ prediction number modifier, said ~~second~~ match number modifier and said ~~third~~ correct number set prediction modifier.

Claim 29 (currently amended): The gaming device of Claim 28, wherein said ~~first~~ prediction number modifier is increased based on said displayed prediction number.

Claim 30 (currently amended): The gaming device of Claim 28, wherein said ~~second~~ match number modifier is increased if said prediction number matches said selected component number.

Claim 31 (currently amended): The gaming device of Claim 28, wherein said ~~third~~ correct number set prediction modifier is increased if the player correctly picks which formed number set includes the selected component number.

Claim 32 (currently cancelled)

Claim 33 (currently cancelled)

Claim 34 (currently cancelled)

Claim 35 (currently cancelled)

Claim 36 (currently cancelled)

Claim 37 (currently cancelled)

Claim 38 (currently cancelled)

Claim 39 (currently cancelled)

Claim 40 (currently cancelled)

Claim 41 (currently cancelled)

Claim 42 (currently cancelled)

Claim 43 (currently cancelled)

Claim 44 (currently cancelled)

Claim 45 (currently cancelled)

Claim 46 (currently cancelled)

Claim 47 (currently amended): A method of operating a gaming device including a plurality of instructions and~~, including~~ a game, for each play of the game, said method comprising:

(a) causing at least one processor to execute the plurality of instructions to randomly select~~ing~~ one of a plurality of component symbols;

(b) causing said at least one processor to execute the plurality of instructions to generate~~ing~~ a prediction symbol;

(c) causing at least one display device to display said prediction symbol;

(d) providing an award to a player if the generated prediction symbol matches the selected component symbol, wherein said award is based on a mathematical operation applied to said selected component symbol and one of a plurality of different match symbol modifiers, wherein each time said prediction symbol matches said selected component symbol, the award is based on a different, greater one of said match symbol modifiers;

(e) if the generated prediction symbol does not match the selected component symbol:

(i) causing said at least one processor to execute the plurality of instructions to form~~ing~~ a symbol set based on the generated prediction symbol, wherein said symbol set includes the selected component symbol;

(ii) causing the at least one display device to display said symbol set that includes the selected component symbol;

(iii) enabling the player to pick one of the symbols from the symbol set which includes the selected component symbol; and

(iv) providing the player the award if the player's picked symbol is the selected component symbol, said award based on a mathematical operation applied to said selected component symbol and one of a plurality of different correct symbol prediction modifiers, wherein each time the player correctly picks the selected component symbol, the award is based on a different, greater one of said correct symbol prediction modifiers;

(f) causing the at least one display device to display the selected component symbol; and

(g) causing said at least one processor to execute the plurality of instructions to repeat~~ing~~ steps (a) to (f) until each of said plurality of component symbols is displayed~~, wherein the modifier that each subsequent award is based on is greater than the modifier that each previous award is based on~~.

Claim 51 (currently cancelled)

Claim 52 (currently cancelled)

Claim 53 (currently cancelled)

Claim 54 (currently cancelled)

Claim 55 (currently cancelled)

Claim 56 (currently cancelled)

Please amend the specification as follows:

No new matter is added to the specification. These amendments more explicitly state the mathematical operations applied to the modifiers, apparent from a close reading of Figs. 3A-G and 4A-E and their respective passages as originally disclosed.

Replace the paragraph on page 27, lines 12 to 26 of the specification with the following:

Referring now to **FIGS. 4A** to **4E**, one embodiment of the high-low game of the present invention provides a screen or display **200** wherein the player is enabled to shake a virtual die **202** to generate and display a first prediction number **204** of six. As described above, in this embodiment, the generated first prediction number **204** is awarded to the player and displayed as the first component number **206** or first digit of the target number. In this embodiment, a prediction number meter or modifier **208** is increased by six. A meter or modifier tracking the number of times a prediction number matches a component number **210** and a meter or modifier tracking the number of times the player inputs a correct prediction **212** both start the high-low game at a default number of one. It should be appreciated that one, all or any

combination of the three meters may begin the high-low game at randomly determined or predetermined default numbers. A current award display **214** of six based on a product of the three meters **208**, **210** and **212** is displayed to the player.

Replace the paragraph from page 25, line 24 to page 26, line 6 with the following:

As illustrated in **FIG. 3G**, since at least one other component number of the target number is masked, the gaming device selects a fourth component number **142** and generates a fourth prediction number **140** of six as described above. For this generation, the fourth prediction number **140** matches the fourth component number **142** (i.e., the fourth digit of the target number) and an award is accumulated in the award meter based on the fourth component number. In this case, the award is one-hundred twenty which is based on the revealed fourth component number **122** of six and a third modifier **124** of twenty. As described above, the third modifier is greater than both the first modifier and the second modifier. This award of one-hundred twenty is added to the previously provided award of fifty and the award meter **110** displays the accumulation of all the awards accumulated in the high-low game. As all the component numbers of the target number are revealed to the player, the gaming device provides the player the awards accumulated in the award meter and the high-low game ends. The award meter **110**, indicating the amount 170, is the sum of the first prediction number **104** (amount of 2) times the first modifier **108** (multiplier of 5) (**FIG. 3B**), plus the

selected number **116** (amount of 4) times the second modifier **124** (multiplier of 10) (**FIG. 3D**), plus the fourth prediction number **140** (amount of 6) times the third modifier **142** (multiplier of 20) (**FIG. 3G**), for a total of 170 = (5 X 2) + (10 X 4) + (20 X 6).

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The prior art does not suggest a prediction symbol modifier (such, for example, as 208, Fig. 4E) as a result of a player guessing or rolling with a die a number which may or may not match a digit or component number, a match symbol modifier (such as 210, Fig. 4E) as a result of a player correctly guessing or rolling with a die a digit or component number, a correct symbol set prediction modifier (such as 212, Fig. 4E) as a result of a player correctly guessing if the digit or component number is higher or lower than the guessed or die-rolled number, and an award based on a mathematical operation applied to the three modifiers. Independent Claims 1, 8, and 28 diverge from Dice Game for at least this reason. These claims read on Figs. 4A-E and Paras. 81 to 86 (published as 2005/0054411 A1). These claims also repeat the process until all of the component numbers or digits are displayed. In Dice Game, the game is over if the player gets a single digit wrong. The prior art also does not suggest, as in Figs. 3A-G and Paras. 65 to 80, a plurality of match modifiers (such as, for example, 108, 124, and 142, Fig. 3G), each match modifier being activated each time a player correctly guesses or rolls with a die a digit or component number, or correctly guesses the digit within a higher or lower span of digits in the event the player did not correctly guess or die-roll the digit or

component number, each correctly guessed digit being applied to a modifier different than the previously correctly selected digit, with an award based on the mathematical operation applied to the correctly selected digits or match modifiers. Independent Claims 20, 25, 27, and 48 diverge from Dice Game for at least these reasons. The examiner respects that the applicants may have different reasons for allowance.

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moody in U.S. patent publications 2003/0036421; 6,475,085; and 2001/0003098 teaches high-low games. Tarantino in U.S. pre-grant publication 2002/0135129 teaches a high-low game. Kennard teaches a high-low game in U.S. patent 3,825,255. Kaufman teaches a high-low game in U.S. patent 6,102,403. Bochichio teaches high-low games in U.S. patents 5,928,081 and 5,810,663. Nguyen teaches a high-low game in U.S. patent 5,628,514. Marquez teaches a high-low game in U.S. patent 5,294,128. "Scarne's Complete Guide to Gambling," by John Scarne, 1961, Simon & Schuster, New York, N.Y., chapter on craps, teaches range bets on pages 247 & 248.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew D. Hoel
Patent Examiner
AU 3714

Peter Vo
Supervisory Patent Examiner
Art Unit 3714

/M. D. H./
Examiner, Art Unit 3714

/Peter DungBa Vo/
Supervisory Patent Examiner, Art Unit 3714